

Application No.: 10/688,352

Docket No.: 65765-0032

REMARKS

Applicant has carefully reviewed the Office Action mailed November 3, 2004, and thanks Examiner San Martin for the detailed review of the pending claims. In response to the Office Action, Applicant has amended claims 1, 9, and 13. By way of this amendment, no new matter has been added. Accordingly, claims 1-20 remain pending in this application. Applicant respectfully requests reconsideration of the present application in view of the above amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Roberts et al.*, hereinafter Roberts, (U.S. 6,413,611). Applicant respectfully traverses the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant notes that independent claims 1, 9 and 13 have been amended to include the limitation “wherein said baffle attenuates vibrations transmitted through said cavity of generally about a predetermined frequency, and wherein said predetermined dimension is determined based upon said predetermined frequency of vibrations to be desirably attenuated.” With this amendment, independent claims 1, 9 and 13 include a limitation not found in Roberts. Applicant notes that Roberts does not teach an acoustical gap that may be tuned to attenuate a targeted frequency, or a targeted range of frequencies. Therefore, Roberts does not teach an *acoustical gap* as positively recited in the independent claims.

Dependent claims 2-8, 10-12, and 14-20 are also patentable by being dependent on an allowable base claim, though they also recite independently patentable subject matter.

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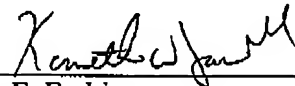
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In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65765-0032 from which the undersigned is authorized to draw.

Dated: March 3, 2005

Respectfully submitted,

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